
HOUSE BILL 2760

State of Washington 60th Legislature 2008 Regular Session

By Representatives Dickerson, Kagi, Lantz, Appleton, Kenney,
Darneille, and Goodman

Read first time 01/16/08. Referred to Committee on Early Learning &
Children's Services.

1 AN ACT Relating to children's rights and participation in
2 dependency and termination proceedings; amending RCW 13.34.096 and
3 13.34.105; and adding a new section to chapter 13.34 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 13.34 RCW
6 to read as follows:

7 (1) A child who is age eight years or older and who is the subject
8 of a dependency under this chapter has the following rights with
9 respect to all hearings conducted on his or her behalf under this
10 chapter:

- 11 (a) The right to receive notice of the proceedings and hearings;
- 12 (b) The right to be present at hearings; and
- 13 (c) The right to be heard personally.

14 (2) At the request of the child, the child's guardian ad litem or
15 attorney, or upon the court's own motion, the court may conduct an
16 interview with the child in chambers to ascertain the child's wishes as
17 to the issues pending before the court. The court may permit counsel
18 to be present at the interview. The court shall cause a record of the
19 interview to be made and to be made part of the record in the case.

1 (3) A child's right to attend a hearing conducted on his or her
2 behalf and to be heard by the court cannot be denied or limited by the
3 court absent a specific written finding by the court that such denial
4 or limitation is in the best interests of the child and necessary for
5 the health, safety, and welfare of the child.

6 (4) Prior to each hearing, the child's guardian ad litem or
7 attorney shall determine if the child wishes to be present and to be
8 heard at the hearing. If the child wishes to attend the hearing, the
9 guardian ad litem or attorney shall coordinate with the child's
10 caregiver and the department or supervising agency to make arrangements
11 for the child to attend the hearing. Nothing in this subsection shall
12 be construed to create a duty on the department or supervising agency
13 to transport the child.

14 **Sec. 2.** RCW 13.34.096 and 2007 c 409 s 1 are each amended to read
15 as follows:

16 (1) Prior to each proceeding held with respect to a child in
17 juvenile court under this chapter, the department of social and health
18 services or other supervising agency shall provide notice of the right
19 to be present and to be heard:

20 (a) To the child's foster parents, preadoptive parents, or other
21 caregivers (~~(with notice of their right to be heard prior to each~~
22 ~~proceeding held with respect to the child in juvenile court under this~~
23 ~~chapter))~~; and

24 (b) To the child if the child is age eight years or older.

25 (2) The rights to notice and to be heard apply only to the child
26 and persons with whom ((a)) the child has been placed by the department
27 or other supervising agency and who are providing care to the child at
28 the time of the proceeding. This section shall not be construed to
29 grant party status to any person solely on the basis of such notice and
30 right to be heard.

31 **Sec. 3.** RCW 13.34.105 and 2000 c 124 s 4 are each amended to read
32 as follows:

33 (1) Unless otherwise directed by the court, the duties of the
34 guardian ad litem for a child subject to a proceeding under this
35 chapter, including an attorney specifically appointed by the court to

1 serve as a guardian ad litem, include but are not limited to the
2 following:

3 (a) To investigate, collect relevant information about the child's
4 situation, and report to the court factual information regarding the
5 best interests of the child;

6 (b) To meet with, interview, or observe the child, depending on the
7 child's age and developmental status, and report to the court any views
8 or positions expressed by the child on issues pending before the court;

9 (c) To monitor all court orders for compliance and to bring to the
10 court's attention any change in circumstances that may require a
11 modification of the court's order;

12 ((+e)) (d) To report to the court information on the legal status
13 of a child's membership in any Indian tribe or band;

14 ((+d)) (e) Court-appointed special advocates and guardians ad
15 litem may make recommendations based upon an independent investigation
16 regarding the best interests of the child, which the court may consider
17 and weigh in conjunction with the recommendations of all of the
18 parties; and

19 ((+e)) (f) To represent and be an advocate for the best interests
20 of the child.

21 (2) A guardian ad litem shall be deemed an officer of the court for
22 the purpose of immunity from civil liability.

23 (3) Except for information or records specified in RCW
24 13.50.100((+5)) (7), the guardian ad litem shall have access to all
25 information available to the state or agency on the case. Upon
26 presentation of the order of appointment by the guardian ad litem, any
27 agency, hospital, school organization, division or department of the
28 state, doctor, nurse, or other health care provider, psychologist,
29 psychiatrist, police department, or mental health clinic shall permit
30 the guardian ad litem to inspect and copy any records relating to the
31 child or children involved in the case, without the consent of the
32 parent or guardian of the child, or of the child if the child is under
33 the age of thirteen years, unless such access is otherwise specifically
34 prohibited by law.

35 (4) A guardian ad litem may release confidential information,
36 records, and reports to the office of the family and children's
37 ombudsman for the purposes of carrying out its duties under chapter
38 43.06A RCW.

1 (5) The guardian ad litem shall release case information in
2 accordance with the provisions of RCW 13.50.100.

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